

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 17, 2019

Common Address of lots to be rezoned: **1450 Wabash Ave. and
1451 Eagle St.,
Terre Haute, IN 47807**

Rezone From: **M-1**

Rezone To: **M-1 Planned Development**

Current Zoning: **M-1**

Proposed Use: **Residential**

Name of Owner: **Light House Mission, Inc.**

Address of Owner: **1201 S. 13th St., Terre Haute, IN 47802**

Phone Number of Owner: **c/o (317) 816-9300 Julie Collier**

Attorney Representing Owner: **Louis F. Britton /s/**

Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP
511 Wabash Avenue
Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: ☒ Owner ☐ Attorney

Council Sponsor: **Martha Crossen**

SPECIAL ORDINANCE NO. 17, 2019

CITY CLERK

An Ordinance amending Chapter 10, Article 2 of the Municipal Code designated as
"Comprehensive Zoning Ordinance for Terre Haute, Indiana."

SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows: That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Beginning at the intersection of the East line of 14 ½ Street with the north line of Wabash Avenue in the City of Terre Haute, thence East along said Wabash Avenue (heretofore known as the National Road) to the southwest corner of Lot Number 138 in Jewett's Addition to Terre Haute, a distance of 188 feet, more or less, thence North along the West line of said Lot 138 a distance of 181.24 feet, more or less, to the South line of an alley to the East line of 14 ½ Street, thence South to the place of beginning.

Also

Commencing at a point on the South line of Eagle Street 60 feet West of the Northwest corner of Lot Number 139 in Jewett's Addition to the City of Terre Haute, thence West 84 feet 6 inches, thence South parallel with the West line of said Lot 139 a distance of 123 feet to the center of an alley 14 feet in width, thence East 84 feet 6 inches, thence North 123 feet to the place of beginning.

Also

Beginning at the Northwest corner of N 14 ½ Street and Eagle Street in the City of Terre Haute, Indiana, thence S along the E line of 14 ½ Street a distance of 123', thence E 39', thence N 123', thence W to the place of beginning.

The above described real estate being the same tract conveyed by the Auditor of Vigo County to the Vigo County Board of Commissioners on the 3rd day of December, 1985, which tax deed was recorded on December 4, 1985, in Deed Record 403, Page 250, of the Records of Vigo County, Indiana. Said tract was later conveyed by Vigo County Board of Commissioners to Grantor herein.

Which real estate is commonly known as 1450 Wabash Ave. and 1451 Eagle Street, Terre Haute, Indiana, be and the same is hereby established as a Planned Development as designated in Division III Section 10-110 et seq. of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a M-1 Planned Development District authorizing the use of said real estate as 54 dwelling units, together with all rights, privileges, and provisions that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

The Common Council further finds and determines that the real estate be granted a variance of 33 spaces from the required 88 parking spaces to 55 required spaces and that the real estate is granted a variance from required set backs to conform with the setback of the existing structure.

Petitioner has provided substantial evidence that the Planned Development will not adversely affect surrounding property values, public health and safety or the general public welfare and that a hardship exists justifying classification of the property as a Planned Development. Specifically, the Council finds that a hardship exists due to the improvements on the land: the building was initially constructed for industrial use but there is no demand for industrial use in this area; the building has been used for residential purposes for several years, but has been heavily damaged by fire and if not adapted as proposed by petitioner the building is likely to deteriorate.

The Council finds that the proposed uses, if approved, will be in the public's interest, will not adversely affect surrounding property values, will not adversely affect public health, safety and the general public welfare; that substantial justice will be done for that neighborhood and that approval of the designation of the property as a Planned Development does not nullify the purpose of the zoning regulations.

In the event the planned development has not materialized within six months of approval the planned development shall become void.

The rights granted herein shall be transferable.

This Ordinance shall be recorded in the Vigo County recorder's office within 90 days of its approval at the expense of petitioner.

SECTION 2. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and approval by the Mayor and publication as required by law.

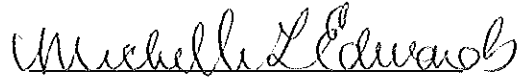
PRESENTED BY COUNCILPERSON Martha Crossen
Martha Crossen

Passed in open Council this 11th day of JULY, 2019


Martha Crossen
Martha Crossen, President

ATTEST: Michelle Edwards City Clerk
Michelle Edwards

Presented by me to the Mayor this 12th day of July, 2019


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 12th day of July, 2019


Duke Bennett, Mayor
City of Terre Haute

ATTEST:  City Clerk
Michelle Edwards

I prepared the foregoing instrument and I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue, Terre Haute, IN 47807 Phone: (812) 232-6003

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Ladies and Gentlemen:

Light House Mission, Inc., petitioner, is the owner of the following described real estate located
in Vigo County, Indiana, to-wit:

Beginning at the intersection of the East line of 14 ½ Street with the north line of Wabash Avenue in the City of Terre Haute, thence East along said Wabash Avenue (heretofore known as the National Road) to the southwest corner of Lot Number 138 in Jewett's Addition to Terre Haute, a distance of 188 feet, more or less, thence North along the West line of said Lot 138 a distance of 181.24 feet, more or less, to the South line of an alley to the East line of 14 ½ Street, thence South to the place of beginning.

Also

Commencing at a point on the South line of Eagle Street 60 feet West of the Northwest corner of Lot Number 139 in Jewett's Addition to the City of Terre Haute, thence West 84 feet 6 inches, thence South parallel with the West line of said Lot 139 a distance of 123 feet to the center of an alley 14 feet in width, thence East 84 feet 6 inches, thence North 123 feet to the place of beginning.

Also

Beginning at the Northwest corner of N 14 ½ Street and Eagle Street in the City of Terre Haute, Indiana, thence S along the E line of 14 ½ Street a distance of 123', thence E 39', thence N 123', thence W to the place of beginning

The above described real estate being the same tract conveyed by the Auditor of Vigo County to the Vigo County Board of Commissioners on the 3rd day of December 1985, which tax deed was recorded on December 4, 1985, in Deed Record 403, Page 250, of the Records of Vigo County, Indiana. Said tract was later conveyed by Vigo County Board of Commissioners to Grantor herein.

which real estate is commonly known as 1450 Wabash Ave. and 1451 Eagle Street, Terre Haute, Indiana.

The owner proposes to sell the property to Miller Parrot Lofts, LP for use as fifty-four (54) residential units. Site plan is attached.

Petitioner is informed and believes that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned M-1 (1450 Wabash and 1451 Eagle.)

Petitioner is further informed and believes that the operation of the proposed business would require said real estate to be rezoned to the classification as M-1, Planned Development District, under Section 10-110 et seq. of the Comprehensive Zoning Ordinance for Terre Haute.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

A. That the proposed uses would be beneficial to the local community and would generate employment for the community;

B. That said real estate is located near an area which is zoned for commerce and for similar planned development uses.

C. That said real estate is located at Wabash and Eagle which provides adequate access;

D. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood;

E. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area.

F. That hardships exist in that the existing building was originally built for industrial use, but was recently used for residential use. The building was heavily damaged by fire. There is little need for industrial space in this location. Unless the zoning is changed, the building will likely continue to deteriorate.

G. The anticipated tenant for the office space on the building's first floor is no longer participating in the project. The first floor of the building will now be used for apartment units not as office space.

H. Based on elimination of 11,000 square feet of office space from the project, Petitioner requests a variance of 33 parking spaces from the required 88 to 55, and that the set backs from Wabash and Eagle streets be reduced to conform to the existing set back of the existing building.

WHEREFORE, petitioner respectfully requests the Area Plan Commission and the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be zoned M-1 - Planned Development - to permit use as a 54 residential units, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioner, Lighthouse Mission, Inc., have duly executed this instrument this 5 day of June, 2019

Lighthouse Mission, Inc.

By: 

Timothy J. Hagg CEO

This instrument prepared by Julie Collier, One Indiana Square Suite 3000, Indianapolis, IN 46204 (317-816-9300)

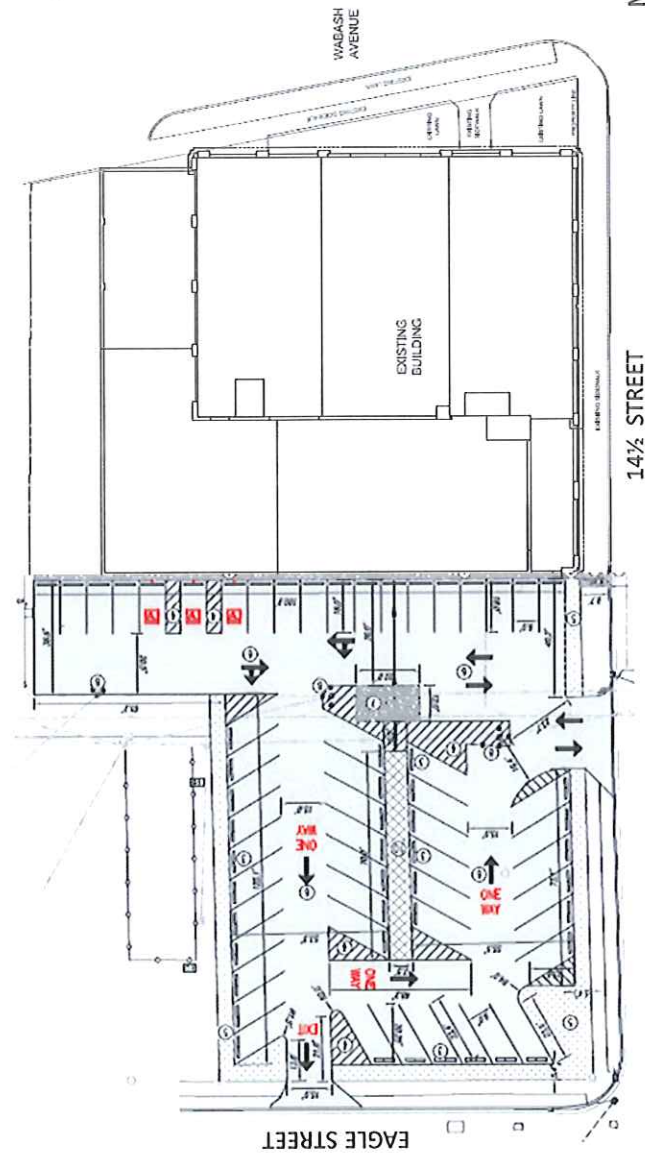
- PARKING LAYOUT**
- 30 SPACES TOTAL
 - 20 TYPICAL 14' TYPICAL
 - 5 ADA ACCESSIBLE SPACES



**MILLER PARROTT
LOFTS**



2-11-2019



SITE DEVELOPMENT PLAN

Form 1

10105

For Sale by The Vignancy Company, Terre Haute, Indiana

95 308

QUIT CLAIM DEED

376

THIS INDENTURE WITNESSETH, That Herbert L. Pattersonof Vigo County, in the State of IndianaRELEASE AND QUIT CLAIM TO The Light House Mission, Inc.1200 Eagle St. IN 47801of Vigo County, in the State of Indianafor the sum of One and No/100 Dollarsthe receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo

County, in the State of Indiana, to-wit:

Beginning at the intersection of the East line of 14 $\frac{1}{2}$ Street with the north line of Wabash Avenue in the City of Terre Haute, thence East along said Wabash Avenue (heretofore known as the National Road) to the southwest corner of Lot Number 138 in Jewett's Addition to Terre Haute, a distance of 188 feet, more or less, thence North along the West line of said Lot 138 a distance of 181.24 feet, more or less, to the South line of an alley running East and West, thence West along said alley to the East line of 14 $\frac{1}{2}$ Street, thence South to the place of beginning.

Also

Commencing at a point on the South line of Eagle Street 60 feet West of the Northwest corner of Lot Number 139 in Jewett's Addition to the City of Terre Haute, thence West 84 feet 6 inches, thence South parallel with the West line of said Lot 139 a distance of 123 feet to the center of an alley 14 feet in width, thence East 84 feet 6 inches, thence North 123 feet to the place of beginning.

Also

Beginning at the Northwest corner of N 14 $\frac{1}{2}$ Street and Eagle Street in the City of Terre Haute, Indiana, thence S along the E line of 14 $\frac{1}{2}$ Street a distance of 123', thence E 39', thence N 123', thence W to the place of beginning.

The above described real estate being the same tract conveyed by the Auditor of Vigo County to the Vigo County Board of Commissioners on the 3rd day of December, 1985, which tax deed was recorded on December 4, 1985, in Deed Record 403, Page 250, of the Records of Vigo County, Indiana. Said tract was later conveyed by Vigo County Board of Commissioners to Grantor herein.

IN WITNESS WHEREOF, the said Herbert L. Pattersonhas hereunto set his hand and seal, this 13th day of September, 1990Herbert L. Patterson (Seal)Herbert L. Patterson (Seal)

(Seal)

(Seal)

DULY ENTERED FOR TAXATION

Sept 13 1990
Kenneth R. Thomas
 Auditor Vigo County

STATE OF INDIANA, VIGO

COUNTY, IN

376

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of

September, 1990, personally appeared Herbert L. Patterson who

after first being duly sworn states that Millicent E. Patterson died on February 18, 1990 and that he was continuously married to Millicent E. Patterson from August 9, 1944 until the date of her death and Herbert L. Patterson did further

acknowledge the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires May 24, 1993 James E. Sullivan, Notary Public.

My County of Residence is: Vigo

This instrument prepared by: James E. Sullivan, Attorney
COX, ZWERNER, GAMBILL & SULLIVAN
701 Merchants National Bank Building
P.O. Box 1625
Terre Haute, IN 47808-1625
(812) 232-6003

QUIT CLAIM DEED

SHORT FORM

Herbert L. Patterson

TO

The Light House Mission, Inc.

RECEIVED FOR RECORD

This _____ day of _____ at _____ A. D. 19 _____ and recorded in Deed Record _____ page _____

Recorder _____ County _____

DULY ENTERED FOR TAXATION

_____ 19 _____

Auditor _____

RECEIVED FOR RECORD
AT 1:00 PM
RECORDS & TAX PAGE 376

SEP 13 1990

Gesta Sullivan
RECORDER VIGO COUNTY

INDEXED

AFFIDAVIT

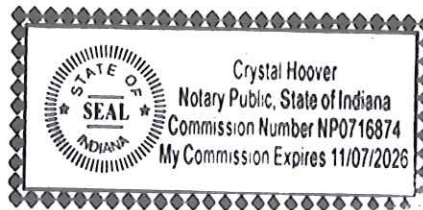
COME NOW affiants, Light House Mission, Inc., by its duly authorized agent and affirm under penalty of law that it is the owner of record of the property located at 1450 Wabash Ave. and 1451 Eagle Street, Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

Lighthouse Mission, Inc.

By: [Signature]
Timothy J. Fagg, CEO

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)



Personally appeared before me, a Notary Public in and for said County and State, Timothy J. Fagg, who acknowledge the execution of the above and foregoing Affidavit, after being duly sworn upon their oaths and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 4 day of June, 2019

Crystal Hoover
Notary Public
Crystal Hoover
(Printed Name)

My Commission Expires:

11/07/2026

My County of Residence:

Clay

This instrument prepared by Gretchen Cheesman, Flaherty & Collins Properties, One Indiana Square Suite 3000, Indianapolis, IN 46204.

Gretchen Cheesman
Gretchen Cheesman

TERRE HAUTE, IN
PAID
JUN 07 2009
TERRE HAUTE, INDOIANA
COUNTY ABOVE
CONTROLLER

Receipt

The following was paid to the City of Terre Haute, Controller's Office

Date: 6/7/19
Name: Lighthouse Mission (Miller Parrott Lotts LP)
Reason: Rezoning - Notice of Filing \$25
Petition \$80

Cash: _____
Check: \$45.00 # 001011
Credit: _____
Total: \$45.00

Received By: L. Ellis / g



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: July 5, 2019

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 17-19,

CERTIFICATION DATE: July 3, 2019

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 17-19. This Ordinance is a rezoning of the property located 1450 Wabash Ave & 1451 Eagle St. The Petitioner, Light House Mission, Inc., petitions the Plan Commission to rezone said real estate from zoning classification M-1 to M-1 PD, Light Industrial District Planned Development for residential purposes.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 17-19 at a public meeting and hearing held Wednesday, July 3, 2019. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 17-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 17-19 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 17-19 was FAVORABLE with the following conditions: 1.) Must be recorded within 90 days; 2.) A hardship must be demonstrated; 3.) It must be determined that, if approved, the P.D. will be in the public's best interest and that substantial justice will be done for that neighborhood.



A handwritten signature in black ink, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jared Bayler".

Jared Bayler, Executive Director

Received this 5th day of July, 2019

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-19

Doc: # 49

Date: July 2019

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APPLICATION INFORMATION

Owner: Light House Mission, Inc.

Representative: Louis F. Britton

Proposed Use: Residential

Proposed Zoning: M-1 PD Light Industrial District Planned Development

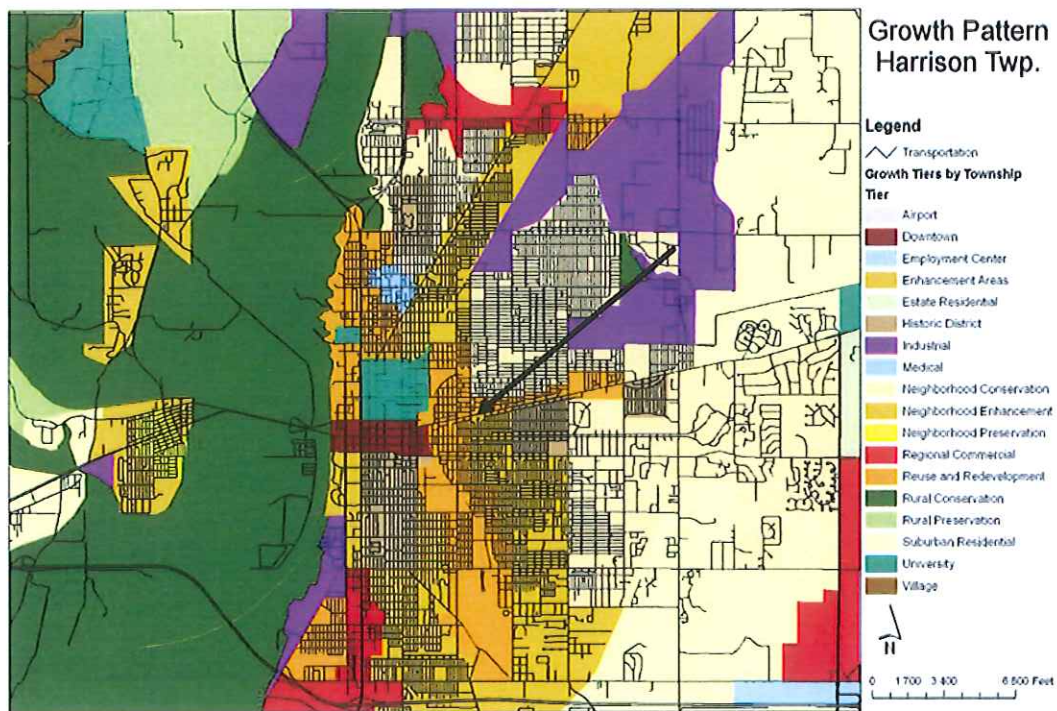
Current Zoning: M-1

Location: The property is located on the corners of N. 14 ½ St., Wabash Ave. and Eagle St.

Common Address: 1450 Wabash Avenue & 1451 Eagle Street, Terre Haute, IN 47807

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Guiding Policies: Reuse and Redevelopment

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood commercial.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3, C-5
East – C-2
South – R-3, C-2
West – C-5

Character of Area: The petitioned property is located in a range of residential and commercial land uses.

Contig. Uses & Zones: The area is a mix of zoning categories.

ZONING REGULATIONS

It is the purpose of this classification to provide for complete separation of residential and commercial areas, from industrial areas for the mutual protection of both industrial and residential, and commercial uses. It is recognized that for industrial growth, a reasonable excess of quality land must be held in exclusive reserve for industrial expansion. In the granting of special uses, this goal must be paramount in the consideration thereof and special uses not clearly of manufacturing or industrial nature must be incidental to an established industrial facility.

The Light Industrial zone classification provides for additional sites in a more densely developed area. It provides for those industries which are more compatible with densely developed, contiguous, residential and commercial uses and which can readily meet the industrial performance standards as contained in Sec. 10-143.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Uses, Permitted - M-I Light Industry District.

The following uses are permitted, provided that all business, servicing, or processing shall take place within completely enclosed buildings, unless otherwise indicated hereinafter and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles and off-street loading and parking as regulated in Sec. 10-137. Any production, processing, cleaning, servicing, testing, repair, or storage of material, goods, or products which shall conform with the performance standards set forth in Sec. 10-143 (except such uses as are specifically excluded), and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat. Within three hundred feet (300') of a Residence District, all storage except of motor vehicles, shall be within completely enclosed buildings or may be located out-of-doors if it is effectively screened by a solid wall or fence (including solid entrance and exit gates) as specified in Sec. 10-172 e. for junkyards.

The following is a list of approved uses of an M-1 zoning: Automobile laundries. (3) Building materials sales, (4) Contractor or construction office, shops, and yards; such as: (A) Building. (B) Cement. (C) Electrical. (D) Heating, ventilating and air conditioning. (E) Roofing. (F) Masonry. (G) painting. (H) Plumbing. (I) Refrigeration. (5) Fuel and ice sales, if located in completely enclosed buildings. (6) Garages and parking lots, for motor vehicles. (7) Public utility and public service uses, including: (A) Bus terminals, bus garages, bus lots. (B) Electric sub-stations. (C) Fire stations. (D) Gas utility service sub-stations. (E) Police stations. (F) Railroad passenger stations. (G) Railroad rights-of-way. (H) Telephone exchanges, microwave relay towers, and water filtration plants. (I) Water filtration plants. (J) Water pumping stations. (K) Sewage or storm water pumping stations. (8) Signs as regulated in Sec. 10-141. (9) Trade schools. (10) Accessory uses.

Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances, that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.

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Example - Commercial structure in a residential neighborhood that is not suitable for residential use.

(3) Hardship due to adjacent, scattered incompatible uses.

Example - Scattered commercial uses in a residential neighborhood.

(4) Hardship due to the general deterioration of the neighborhood.

Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.

(5) Parcel located near district boundary lines.

Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of these zoning regulations.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioned property is the former location of the Lighthouse Mission. The structure was damaged by fire. It currently sits unoccupied and abandoned.

The petitioner should be able to demonstrate a hardship. The Planned Development was needed for the mixed use nature of the development. Reuse and redevelopment in the City of Terre Haute is an encouraged activity.

As a part of the petition a variance has been requested for reduction from the minimum required parking spaces and from the required setbacks.

S.O #33-17 was approved to rezone the property to an R-3PD to allow for the reuse of the building to contain 54 residential units as well as 11,000 square feet of office space. The office space is no longer part of the plan and as such rezoning of the PD is necessitated.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Recommendation: Staff offers a Favorable Recommendation with the following conditions.

1. Must be recorded in 90 days
2. A hardship must be demonstrated
3. It must be determined, that if approved, the P.D. will be in the public's interest and that substantial justice will be done for that neighborhood.